

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

Hippolito Collante

Date of Previous Judgment: October 15, 2006
(Use Date of Last Amended Judgment if Applicable)

)

)

Case No: 92 Cr. 550 (RJH)USM No: 31905-054

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is **reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

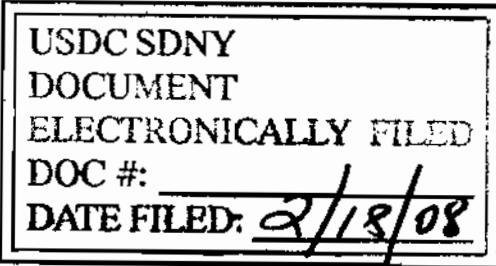
The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain): _____

III. ADDITIONAL COMMENTS

SEE ATTACHED



Except as provided above, all provisions of the judgment dated 10/15/06 shall remain in effect.

IT IS SO ORDERED.Order Date: 2/9/09

R. J. Holwell
Judge's signature

Effective Date: _____
(if different from order date)

Richard J. Holwell
Printed name and title

USA
2/9/09

III. ADDITIONAL COMMENTS

The amendment to the guidelines does not authorize the Court to modify a sentence which reflects a *statutory* mandatory minimum. *United States v. Williams*, — F. 3d —, 2009 WL 32564, at *3 (2d Cir. Jan. 7, 2009) (“Once the mandatory minimum applied, Lewis’s sentence was no longer ‘based on a sentencing range that has subsequently been lowered by the Sentencing Commission.’”) Therefore, the request for resentencing is denied.

A handwritten signature, appearing to be 'A', is written in black ink above the signature line.